

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 798 OF 1996

Hatim arafali Icecreamwala.

... Appellant.

Versus.

Esufali Sarafali Icecreamwala & ors. ... Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 31st January, 2005.

P.C.:

1. Office noting shows that notices issued to the Respondents Nos.2 to 4 on 9th February 2004 are received back unserved. No steps are taken for effecting service on the said Respondents.

2. When this Appeal was called out on 24th January 2005 none was present for the Appellant. Therefore, the matter was adjourned till 25th January 2005. Today also none appeared for the Appellant when the Appeal was called out. In the circumstances, I have no option but to dismiss the Appeal for default. Dismissed for default.

Judge.